

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Applicant would like to thank Examiners Johnson and Burgess for the courtesy extended during the interview of December 6, 2002.

The Examiner has rejected the claims as being obvious in view of the Mozilla article in combination with the Vaudreuil reference. The Applicants respectfully traverse these rejections. The Mozilla article discusses a prospective Instant Messaging (IM) and chat project "with the stated goal of supporting a wide variety of chat protocols" (lines 1-2). Note in particular the statements that " Mozilla ... is charged to develop the Communicator browser code' (lines 7-10); " ...why the company would risk undermining such a valuable franchise" (lines 20-23); "Mozilla will base its support on its Instant Messaging application programming interface (API)" (lines 25-27); "We would like to make Mozilla be able to do chatting and 'instant messaging' " (lines 29-30); "We would like Mozilla to be able to usefully talk to all of these protocols, and hide most of the differences from the user" (lines 33-35). When viewed in its entirety, the Mozilla article merely shows to a person skilled in the art that there was a need for a system for providing IMs across different realms. However, no structure or steps are disclosed or suggested that would enable a person skilled in the art to device a system performing in accordance with the claims presented herein.

The Vaudreuil reference discloses a system in which a communication system is capable of communicating with other systems using different protocols, the described system including a media translator. The Applicants note for the record that there is nothing in this reference that pertains to instant messaging (IM). Instead, this reference discloses a

system adapted to transmit different type of messages between users. The three types of messages discussed in the reference are faxes, voice messages and e-mail. According to this reference, previously, each type of these messages was handled by different system, and in fact some of the same type of messages (for example cc. Mail and MCI Mail) are incompatible with other and hence messages from one system cannot be readily exchanged. The reference discloses a system adapted to reformat the address of each message and to store the messages with reformatted addresses.

Three important points that must be noted related to the nature of the messages and the manner or conditions under which these messages are delivered. First, the messages themselves are not in real time. Second, the messages are stored by the system and then are retrieved by the user at the user's discretion. Third, since the user retrieves the message at a later time, it does not matter whether the user is connected to the system or not at the time the message is received.

The present invention pertains to an IM (INSTANT MESSAGING) SYSTEM. Such systems have several inherent and distinct characteristics. First, IM messages are transmitted and presented to the receiving party in real time. Second, because the sending party usually wants to have a real time conversation with the receiving party, an IM message is sent to the receiving party only when the receiving party is connected to the system. Third, since the IM messages are exchanged contemporaneously, either party can but does not have to save the messages.

As discussed above, the Mozilla fails to provide any details of how to implement a multi-realm IM system. As indicated previously, each of the pending claims provide an apparatus or method having specific elements or steps which are not disclosed by the

references, as illustrated with specificity below.

Claim 1 recites a system with IM manager and an IM server. In addition, claim 1 further recites that the IM server includes a listing of users currently connected to the Internet. The references do not show any of these elements.

Claim 6 recites a system with an IM component and an IM data base. In addition claim 6 calls for the “IM database arranged to store a list of users registered to access instant messaging and being currently active together with their current IP address.” The references do not disclose these elements.

Claim 7 recites the IM data base is incorporated in an SP, while claim 8 recites that the IM data base is incorporated into a separate SP. There is nothing in the references disclosing these features.

Claim 16 recites a method for establishing an instant messaging session between a first and a second user including the step of “determining a current IP address of the second user.” The prior art references do not disclose this feature.

Claim 17 recites that “each time one of said first and second users accesses the Internet, the corresponding device sends a message to an IM database indicating that the corresponding user is on line and said current IP address.” The cited references do not disclose any of these features.

In summary, in the opinion of the Applicant, the present invention has several characteristics that are not found in the Vaudreuil reference because this reference pertains to a system for managing other kinds of messages and not IMs.

It is respectfully submitted that the Examiner has failed to show that these specific elements or steps are found in the prior art and, hence, has failed to make out a prima facie

case of obviousness. Accordingly, the application should be allowed.

The Commissioner is authorized to use Deposit Account No. 07-1730 for any fees that may be required including fees for extensions. This is a continuing request.

Dated: December 16, 2002
New York, New York

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Applicant
270 Madison Avenue
New York, New York 10016-0601
Telephone: (212) 684-3900
Facsimile: (212) 684-3999



Tiberiu Weisz
Reg. No. 29,876